

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN ASSOCIATION OF PUBLIC)	
SCHOOL ACADEMIES, <i>et al.</i> ,)	
Plaintiffs,)	
)	No. 1:22-cv-712
v.)	
)	Honorable Paul L. Maloney
UNITED STATES DEPARTMENT)	
OF EDUCATION, <i>et al.</i> ,)	
Defendants.)	
_____)	

ORDER TRANSFERRING VENUE

This matter came to the Court on Defendants’ motion to dismiss. (ECF No. 14). The Court granted in part Defendants’ motion to dismiss and *sua sponte* determined that the Western District of Michigan was no longer the venue best suited for this action. (ECF No. 27). The Court ordered briefing from the Parties on where the Court should transfer the remaining Plaintiffs. *Id.* The Court will transfer this action to the Southern District of Ohio, Eastern Division at Parties’ request.

Title 28 U.S.C. § 1404(a) governs motions to transfer. It provides, “For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it may have been brought.” 28 U.S.C. § 1404(a). A district court may transfer a case under § 1404(a) *sua sponte*. *Carver v. Knox Cnty., Tenn.*, 887 F.2d 1287, 1291 (6th Cir. 1989). When considering a *sua sponte* transfer of venue, the court “should make that possibility known to the parties so that they may present their views about the desirability of possible transfer and the possible destination.”

15 Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, Federal Practice & Procedure § 3844; *see also Moore v. Rohm & Haas Co.*, 446 F.3d 643, 647 (6th Cir. 2006). The relevant factors include convenience of parties, convenience of witnesses, and interests of justice. *Moore*, 446 F.3d at 647.

The Parties filed a joint notice in response to the Court's order requiring supplemental briefing on a proper venue. (ECF No. 28). The remaining Plaintiffs, Thomas B. Fordham Institute ("Fordham") and West Virginia Professional Charter School Board, propose a transfer to the District Court for the Southern District of Ohio, Eastern Division. *Id.* Defendants do not object to that transfer but maintain there is a lack of subject matter jurisdiction over this action. *Id.* Fordham is a nonprofit organization with offices in Washington, DC, and Ohio. (ECF No. 1 at PID 3). Therefore, the Southern District of Ohio would be a proper venue. The Court finds that the relevant factors weigh in favor of transfer because the lone Plaintiff with ties to Michigan, the Michigan Association of Public School Academies, lacks standing and is no longer a party in this action.

IT IS ORDERED that this action is transferred to the District Court for the Southern District of Ohio, Eastern Division.

IT IS FURTHER ORDERED that the Clerk of Court shall terminate this case on the docket for the Western District of Michigan after proper transfer to the District Court for the Southern District of Ohio, Eastern Division.

IT IS SO ORDERED.

Date: January 10, 2024

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge